

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION AT JACKSON**

JACQUELYN STEDMAN

PLAINTIFF

VS.

CAUSE NO. 3:22-cv-212-HTW-LGI

**KROGER;
K025 KROGER EAST/DELTA;
JOHN DOE ENTITIES (1-5);
JOHN DOE PERSONS (1-5)**

DEFENDANTS

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant, Kroger Limited Partnership I, incorrectly identified in the Complaint as Kroger (sometimes hereinafter referred to as “Kroger” or “Kroger Defendant”), by and through counsel, has removed this action pursuant to 28 U.S.C. §§ 1332, 1441, 1446 and other applicable law, from the Circuit Court of the First Judicial District of Hinds County, Mississippi, (Civil Cause No. 22-11 (MEC Case Number: 25CI1:22-cv-00011-TTG)) to the United States District Court for the Southern District of Mississippi, Northern Division, located at Jackson, MS. The basis for removal is diversity of citizenship.

Nature of the Civil Action Removed

1.

On January 7, 2022, the Plaintiff filed the above captioned civil action. Process was served upon Defendant on or about March 24, 2022. This lawsuit first became removable to this Court at that time. A copy of the Plaintiff’s Complaint filed with the Clerk of the Hinds County Circuit Court, Mississippi, along with all process, pleadings and orders served upon this Defendant is attached hereto as **Exhibit “A”** and incorporated herein by reference.

2.

The Complaint alleges that this lawsuit arose out of a fall at the Kroger Store located at 4910 I-55 North, Jackson, Hinds County, MS. The allegation is that Plaintiff was walking towards the produce department, near the cooler, “when a piece of plastic wrap from a pallet wrapped around the Plaintiff’s foot” and as a result, she fell and was injured. *See* Exhibit A, p. 3. The Complaint simply demands an award “which will fairly and adequately compensate Plaintiff for her injuries, damages, and losses past and future and for punitive damages against the Defendants herein” and requests the Court to conduct a mediated settlement conference in order to encourage settlement. *Id.*

Removal Based on Diversity of Citizenship

3.

Taking the allegations of the Complaint as true, Plaintiff is an adult resident citizen of Hinds County, Mississippi.

4.

Kroger is a corporate entity formed under the laws of the State of Ohio with its principal place of business located within the State of Ohio. All Defendants required for removal have consented to and/or joined in this removal.

5.

Plaintiff seeks damages for “past, present and future physical pain and suffering; emotional and mental suffering both past and present and future; hospital bills, doctor bills, prescription drug bills and other medical and medical-related expenses which have been incurred; temporary physical impairment and disability; and loss of enjoyment of life” in her Complaint. Additionally, Plaintiff seeks to recover an unlimited amount in punitive damages against Defendant. Pursuant to 28 U.S.C. § 1332 and § 1441, this Court has original subject matter jurisdiction over the present

action based on diversity of citizenship, in that it is a civil action where the matter in controversy is between citizens of different states and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. Due to the nature of Plaintiff's alleged injuries and damages and the demand for punitive damages, the amount in controversy clearly exceeds the sum of \$75,000.00 and is between citizens of different states.

6.

Pursuant to 28 U.S.C. § 1441, the United States District Court for the Southern District of Mississippi, Northern Division at Jackson, is the federal district court for the district and division embracing the place where the state court suit is pending.

7.

**Notice to Adverse Parties and the
Clerk of the Circuit Court, Hinds County, Mississippi**

The removing defendant hereby certifies that written notice of the filing of this NOTICE OF REMOVAL has been served upon all adverse parties and a copy will be filed with the Clerk of the Circuit Court of Hinds County, Mississippi, thereby effecting the removal of this action to this Court. Pursuant to 28 U.S.C. § 1446(d) notice is hereby given that the state court action shall proceed no further unless and until the case is remanded.

WHEREFORE, PREMISES CONSIDERED, the removing Defendant files this NOTICE OF REMOVAL with the United States District Court for the Southern District of Mississippi, Northern Division at Jackson, and respectfully prays that this Court will proceed with the handling of this case as if it had been originally filed herein, and that further proceedings in the Circuit Court of Hinds County, Mississippi, shall proceed no further unless and until the case is remanded thereto.

RESPECTFULLY SUBMITTED, this the 21st day of April, 2022.

FOR: **KROGER LIMITED PARTNERSHIP I**

BY: /s/*Michael E. Phillips*
Michael E. Phillips, Esq.

OF COUNSEL:

Michael E. Phillips (MSB #100119)

Claire K. Robinett (MSB 104984)

HAGWOOD AND TIPTON

213 Draperon Drive | Suite A

Ridgeland, MS 39157

Telephone: 601-608-6300

Fax: 601-362-3642

Email: mphillips@hatlawfirm.com

Email: crobinett@hatlawfirm.com

CERTIFICATE OF SERVICE

I, the undersigned attorney of record, do hereby certify that I have this day served a true and correct copy of the foregoing NOTICE OF REMOVAL via United States Mail, postage prepaid or VIA ECF MEC system upon the following:

Patrick Wooten, Esq. (MSB No. 9979)
Schwartz & Associates, P.A.
162 East Amite Street
Jackson, MS 39201
pwooten@lcall.org
Counsel for Plaintiff

Hon. Zack Wallace
Circuit Clerk of Hinds County
HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT
Circuit Clerk's Office
P.O. BOX 327
Jackson, MS 39205
Phone: (601) 968-6628
Fax: 601-973-5547
E-mail: zwallace@co.hinds.ms.us

THIS, the 21st day of April, 2022.

BY: /s/**Michael E. Phillips**
Michael E. Phillips, Esq.